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No. 3924

FIGHT IS STILL ON

(Associated Press Cable to The Star.)

ST. PETERSBURG, October 18.—The battle is still undecided. Both armies are exhausted with the struggle.

REFINED SUGAR IS REDUCED.

NEW YORK, October 18.—The price of refined sugar was reduced ten cents a hundred pounds today.

CHINESE PIRATES ATTACK VESSELS.

SHANGHAI, October 18.—The British steamers Pakkang and Kaiho were attacked by Chinese pirates near Canton. A gunboat has been sent to the scene of the attack.

ATTACK REPULSED.

TOKIO, October 18.—The Russians repulsed a detachment of Japanese troops under General Yamada capturing 14 guns. A desperate fight ensued, Yamada regaining the lost position. A general assault by the Russians aided by artillery on Monday was repulsed.

OYAMA MAKES REPORT

Washington, October 18, 1904. (Received at 1:20 p. m.) To Japanese consul, Honolulu. Marshal Oyama reports that on Monday night the enemy twice made fierce assaults on the front of the right column of the left army and some smaller assaults on the direction of the central and the right armies, but we repulsed them all. The enemy retreated leaving many corpses on the field. TAKAHIRA.

KAIUE A MYSTERY

THE MAUI SENATOR DENIES THAT HE IS RUNNING AS AN INDEPENDENT CANDIDATE, THOUGH HIS PAPERS ARE ON FILE WITH SECRETARY ATKINSON—SAYS HE DID NOT HAVE THE PAPERS FILED.

The latest report from Maui is that Senator Kaiue is not running for the Senate, even though his nomination papers with a cash deposit of \$25 have been placed in the hands of the Secretary of the Territory. Kaiue declares that he did not file them, it is stated, also that he did not put up the \$25 and is not responsible for the placing of his name on the ticket. He is stumping for the Home Rulers, however.

Kaiue was a candidate for the Home Rule-Democratic nomination and was defeated in the convention by J. L. Coke. He made a speech in the convention which was described as a "graceful withdrawal" in favor of the candidate who had secured the nomination. Shortly afterwards Maui politicians were greatly surprised to find that Kaiue was in nomination as a candidate for the Senate. In some mysterious way a petition for him, signed by twenty-five electors and accompanied by \$25, had found its way to Secretary Atkinson's office.

Then Kaiue took the stump and the proposition became a real mystery. He is said to have declared that he was not running at all and to have told his audiences that he did not want their votes. He wanted them especially to vote for William White. Kaiue is accused of knifing Coke, but it is denied that he is running.

Reports from Maui are of a strong turn in favor of the Republican ticket. The indications are that even the fusion of Home Rulers and Democrats has not given the two parties enough strength to win. Fred Beckley, running independent, is making a strong canvass and is likely to be elected.

BUSTER BROWN—JUST ARRIVED.

The new edition of "Buster" is now on sale also "The new adventures of Foxy Grandpa." Call early as the edition is limited. Wall, Nichols & Co.

A Lingered Cold may result in consumption. Chamberlain's Cough Remedy cures coughs, colds and influenza. It contains no harmful substance and is pleasant and safe to take. For sale by all dealers. Benson, Smith & Co., agents for Hawaii.

EXTRA.

Special sale of business envelopes \$1 a thousand. In larger lots better rates. Arleigh & Co.

Star Want Ads pay 25 cents.

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by our safe deposit vaults, we offer advantages such as cannot be obtained elsewhere.

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MANY BEFORE JUDGE DOLE

UNITED STATES DISTRICT COURT GETS THROUGH A REMARKABLE AMOUNT OF WORK—YOUNG ROSE GETS A YEAR FOR STEALING FROM THE MAIIS—CAPTAIN TREANOR HEAVILY FINED—SEVERAL JAPANESE CASES ON THE LIST.

With the work of the grand jury in the Federal court completed that of the petit jury is now about to begin and it seems certain from the number of cases in which pleas of guilty were entertained before Judge Dole this morning that the work of the trial inquest will be light.

As the names were called the jurors stepped into the box in the following order: Isaac Noar, W. C. Sproule, H. Kruger, E. H. Newnes, E. L. Huddy, L. H. Dee, W. F. Hall, John Kidwell, C. A. Simpson, H. B. Murray, F. P. McIntyre, R. E. Lockwood, R. K. G. Wallace, A. B. Bolster, John Cassidy, H. L. Kerr, C. R. Cullen, H. B. Sailor, E. E. Horton and T. E. Holbron.

Having been asked the usual questions as to qualifications by District Attorney Breckons the jurors were sworn and were then dismissed until Thursday.

The District Attorney intimating his desire to proceed as rapidly as possible with the calendar the calling of the cases commenced and first in the list of names of the accused came that of Edwin K. Rose, the Hilo lad who was accused of stealing a \$7 hat from the registered mail while working as a temporary clerk in the Hilo post office. The case attracted a good deal of attention some months ago as the prisoner was arrested at Delaware Breakwater, Del., and was brought all the way back here at great expense to the government.

Young Rose was in court accompanied by one of his sisters whose distress at her brother's serious position was written on her face. The boy himself had apparently reconciled himself to the inevitable. When asked as to how he pleaded his attorney Frank Thompson stated that a plea of guilty would be entered to the first count of the indictment, that of taking the hat from the mail.

District Attorney Breckons entered a nolle prosequi to the second count and Attorney Thompson made a strong plea for leniency. He pointed out that the prisoner was only a lad of seventeen and that he had merely been temporarily engaged at the Post Office. The hat that had been taken was a damaged article which had been refused by the party to whom it was addressed and had been lying round the office as though of no value to anyone.

The District Attorney joined in the plea of the defence making the remark that in the case the minimum penalty provided by law was for this case very severe.

Judge Dole agreed that the case was one in which justice might very well be tempered with mercy. He thought that the theft had been as much a matter of thoughtlessness as any desire to rob the mail. The U. S. statute is however very severe for even the slightest tampering with the mails, the object being to make the safety of the post office as absolute as possible. The minimum penalty that he could impose was a sentence of one

(Continued on page five).

REGISTRAR HAS NEW PLAN

IMPROVED METHOD OF KEEPING RECORDS INTRODUCED BY REGISTRAR MERRIAM.

Registrar of Conveyances Merriam placed in use today a new style of index book, which is sure to be appreciated by all searchers of record and others having to do with the Registrar's office. Three books are placed in the reference case to replace a like number of worn out indices which cover the years 1896 to 1899 inclusive. The new books are made up in the same general system heretofore used, but are typewritten instead of pen written. The composition was done by the regular office force on book typewriters and presents a very clean and legible appearance. This method is to be pursued in all cases where it becomes necessary to replace old indices, as the best penmanship cannot compare with the clearness of a typewritten book.

Commissioner of Public Records, Swan, of the State of Massachusetts has made an exhaustive test of the permanency of the typewritten record, and, after a six months investigation, passed seven makes of typewriter ribbons as being satisfactory to use upon the public records of that State, out of seventeen presented for examination.

It is hoped that the next Legislature will pass an act providing for the use of typewriters upon the records proper, as there is a great saving in time of composition—the record is more quickly and accurately read—occupies less space, and is, in all respects, more economically made.

GABREL IS IN JAIL.

Gabriel Thornton was taken into custody today to await investigation by the authorities as to whether he knows who took the jewelry of the Princess Theresa.

THREAT THAT FAILS.

A Pennsylvania woman suffragist says that wives should refuse to cook for husbands who will not aid them to win the right to vote. If her advice is taken many husbands will be made happy and healthful and the hotels will prosper.—New York Herald.

FAMILY RECEIPTS.

If you have some receipt that you wish prepared bring us the copy and we will take pains putting it up. We have a large laboratory and facilities for conducting this work. Hobron Drug Company.

Star Want Ads pay 25 cents.

CHARGED WITH GROSS CHEAT

JAPANESE WHO IS WANTED BY MAUI AUTHORITIES TO ANSWER CHARGE OF COUNTRYMAN.

Nakashima Sentaro swore to a complaint at Kahului last month charging Okutani with gross cheat. The latter is charged with securing \$170 which belonged to Nakashima. Okutani came to Honolulu, so the warrant was sent to the local police for service. The authorities are looking for him.

NIBLACK IS TO ENTERTAIN

WILL TAKE MEMBERS OF MASTERS AND PILOTS ASSOCIATION TO PEARL HARBOR SUNDAY.

Captain Niblack will entertain a number of members of the local order of Masters and Pilots Association on Sunday. He has issued invitations to the members of the association, to be his guests aboard the U. S. S. Itasca for an excursion to Pearl Harbor. The vessel will leave Honolulu at 10 o'clock on Sunday October 23 and go to Pearl Harbor, where the guests will be given the opportunity of inspecting the new buoys and ranges that have been established at that place. The party will return about 4 o'clock.

This is the first excursion of the kind that has ever been given and the affair is likely to prove very enjoyable. The various local masters and pilots have given Captain Niblack much valuable information concerning the light house and buoy work about these islands, and he is desirous of showing his appreciation of their courtesy.

REMARKABLE SALE AT SACHS. N. S. Sachs Dry Goods Co. offer Irish Point Squares and Scarfs at extraordinary prices commencing Tuesday, October 18. Goods are on display in Beretania street window. Don't miss this chance.

READY FOR RAINY DAYS.

A "nest egg" of \$1 a month placed with the Mutual Building & Loan Society will return you a basket full of eggs when you need them by and by. Start now to lay in for the coming rainy day. R. H. Trent, Secretary, 938 Fort Street.

The End Of a Famous Murder Case

FIFTEEN YEARS IN SAN QUENTIN IS THE SENTENCE METED OUT TO GARNETT FOR A SHOOTING WHICH TOOK PLACE IN THE PALACE HOTEL AT SAN FRANCISCO—SEQUEL TO A SENSATIONAL SHOOTING AFFAIR.

SAN FRANCISCO, October 18.—Garnett was sentenced today to serve 15 years in San Quentin for the killing of McClung in the Palace Hotel.

The sentencing of Garnett to fifteen years in San Quentin marks an important phase in a criminal case remarkable even in San Francisco. Major McClung, the victim, was well known in San Francisco society at one time as was the murderer. Garnett had been employed as business agent for a female relation, but had been relieved of his position on account of his habits. McClung was in the lady's sitting room at the Palace hotel when Garnett entered. He was armed and had been drinking. In a quarrel which ensued McClung was shot. The most desperate efforts were made to save Garnett, even the lady who saw the shooting going out of the country to avoid giving testimony. The wife of the murdered man also wished no prosecution, as Major McClung had expressed his forgiveness before passing away.

CORRESPONDENT OF TIMES RETURNING

WAR CORRESPONDENT OF THE THUNDERER IS A VERY BUSY MAN ON THE S. S. DORIC.

David Fraser who has been following the Japanese forces for the London Times, is a through passenger aboard the S. S. Doric for San Francisco. He is going home as he evidently does not consider the prospect of reaching the front very bright. Mr. Fraser was very busy this morning aboard the vessel, as he had to get off considerable correspondence for India before the vessel sailed.

"The Japanese have certainly" he said "astonished the world by their organization and the effective manner in which they have handled their force. There has scarcely been a hitch in the operations in any department of their military service and the secret of their successes has been the readiness with which they were able to begin operations and sustain them. Their service of information is undoubtedly one of the best in the world and it is safe to say that they have secured information regarding the Russian forces that was far more than the Russians ever dreamed of securing about the Japanese. There seems to be a determination on the part of the Japanese to conduct a winter campaign."

"While the two recent battles have resulted in the defeat of the Russians, so far as I can learn, the victories have been rather barren for the Japanese. The effect of the last battle however is not fully known yet."

Court Decides Manoa Water Case

SETTLEMENT OF A WATER RIGHTS CONTROVERSY AMONG CHINESE WHICH HAS LONG BEEN IN LITIGATION—JUDGE ROBINSON'S DECISION GRANTING A PERPETUAL INJUNCTION SUSTAINED BY HIGHER COURT—DECISION UNANIMOUS.

The Supreme Court handed down another decision this morning keeping up its record for unanimity and for sustaining the lower courts. The decision of Judge Robinson is sustained in the case of See Yick Wai Company against Ah Soong et al. This is an old Manoa valley water rights case, in which a large amount of testimony was taken and the trial was a very lengthy one. Judge Robinson granted a perpetual injunction restraining the defendants from interfering with the water following to the lands of the plaintiffs and awarding \$1,700 damages. The Supreme Court syllabus is as follows:

"Damage to taro crop caused by defendants' illegal diversion of water held properly assessed to defendants, although a drouth was the cause of partial failure of crop, allowance having been made in the award for the proportion of loss caused by the drouth upon other taro crops in the vicinity."

"An award by the trial judge of damages to crops from illegal diversion of water not set aside by reason of evidence that either plaintiffs or third parties had tightened upper dams, thereby decreasing the flow of water in the ditch by which plaintiffs' land was irrigated, there being no evidence of any appreciable injury resulting thereby to plaintiffs' crop, or that the dams were illegally tightened."

"The burden in such case is on the defendants to show an appreciable effect upon the damage caused which resulted from the acts of the plaintiffs or of third parties, and also that those acts, which consisted in tightening the upper dams, were illegal."

C. F. Peterson and Smith & Lewis appeared for plaintiffs and Robertson & Wilder for defendants.

SAVE YOUR MONEY.

The Twenty-Ninth Series of Stock in the Pioneer Building & Loan Association will be issued in July, 1904, and is now open for subscription. The membership fee is fifty cents per share, and the monthly dues are one dollar per month per share. The stock draws much better interest than a savings bank.

Further information can be obtained from A. V. Gear, Secretary, 122 King Street.

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